

September 18, 2020

BY ECF

The Honorable Peggy Kuo
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Dawson v. Merck*, No. 1:12-cv-01876 (BMC)(PK)

Magistrate Judge Kuo:

We write on behalf of Reuters America LLC (“Reuters”) to follow up on the Motion to Intervene and Unseal (the “Motion to Unseal”) filed in the above-referenced action.

On April 9, 2020, this Court heard oral argument on Reuters’ Motion to Unseal. During that argument, the Court ordered counsel for Defendants to file a letter explaining “what [the sealed] documents are” and the “specific reasons that [Defendants] sought to have [them] under seal.” *See* 4/9/20 Hearing Tr. at 60. The Court ordered that Defendants’ counsel could initially file this letter under seal, and the Court would later release it to the public docket. *See id.* at 62.

After submitting a heavily redacted version of this letter on May 8, 2020, which was rejected by this Court, *see* ECF No. 137, Defendants filed an amended letter on May 22, 2020, which was accepted by the Court on May 29, 2020, *see* ECF No. 138. The Court unsealed this letter on June 3, 2020.

Pursuant to Defendants’ letter, Defendants do not oppose the unsealing of fifteen of the twenty-eight sealed Exhibits attached to Plaintiff’s Opposition to Defendants’ *Daubert* Motion. *See* ECF No. 138-4.¹ Defendants indicated that two of the sealed Exhibits are Plaintiff’s medical records, which Reuters does not request. *See id.*² This leaves eleven Exhibits that Defendants

¹ Specifically, Defendants do not oppose the unsealing of the documents in ECF Nos. 115-2, 115-3, 115-4, 115-8, 115-9, 115-13, 115-14, 115-16, 115-16, 115-17, 115-19, 115-20, 115-24, 115-26, and 115-27. Defendants indicated that ECF Nos. 115-16 and 115-17 contain the same Exhibit broken into two parts.

² Plaintiff’s medical records are contained in ECF Nos. 115-29 and 115-30.

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contend should remain under seal and which Reuters believes should be produced. *See id.*³

Given that Defendants do not oppose the unsealing of fifteen Exhibits, Reuters respectfully requests that the Court unseal those Exhibits at its earliest possible convenience. Reuters also respectfully requests that the Court decide its Motion as to the eleven Exhibits that remain in dispute.

Thank you for your consideration.

Respectfully Submitted,

Davis Wright Tremaine LLP



Katherine M. Bolger

cc: Counsel of Record (via ECF)

³ The eleven documents that remain in dispute are contained in ECF Nos. 115-5, 115-6, 115-7, 115-10, 115-11, 115-12, 115-18, 115-21, 115-23, 115-25, and 115-28.